

**CLOSED**, REOPENED

**U.S. District Court  
Eastern District of California – Live System (Fresno)  
CIVIL DOCKET FOR CASE #: 1:02-cv-05064-JKS-DLB**

Lion Raisins Inc v. U S Dept of Agricul  
Assigned to: Senior Judge James K. Singleton  
Referred to: Magistrate Judge Dennis L. Beck  
Demand: \$0  
Case in other court: 9th Circuit, 05-17299  
9th Circuit, 05-17299  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/14/2002  
Date Terminated: 09/22/2005  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Lion Raisins, Inc.**

represented by **Wesley Tracy Green**  
Corporate Counsel of Lion Raisins, Inc.  
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**ATTORNEY TO BE NOTICED**

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**TERMINATED: 07/28/2005**

V.

**Defendant****U S Dept of Agriculture**

represented by **Yoshinori H. T. Himel**  
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**TERMINATED: 09/28/2004**

Date Filed	#	Docket Text
01/14/2002	1	COMPLAINT for declaratory and injunction rel, fee status paid, receipt # 101 714, assigned to Senior Judge Robert E. Coyle referred to Magistrate Judge Dennis L. Beck (rcf) (Entered: 01/15/2002)

01/14/2002	2	ORDER setting mandatory scheduling conference for 8:30 4/16/02 before Magistrate Judge Dennis L. Beck (rcf) (Entered: 01/15/2002)
02/22/2002	3	ANSWER by defendant U S Dept of Agricul to complaint [1-1] (tel) (Entered: 02/25/2002)
03/18/2002	4	RETURN OF SERVICE executed upon defendant U S Dept of Agricul on 2/1/02 {via certified mail} (jh) (Entered: 03/19/2002)
03/18/2002	5	RETURN OF SERVICE executed on John Vincent, US Attorney served on 1/25/02 (jh) (Entered: 03/19/2002)
03/18/2002	6	RETURN OF SERVICE executed on The Honorable John Ashcroft served on 2/14/02 (jh) (Entered: 03/19/2002)
03/29/2002	7	MOTION for summary judgment by plaintiff motion TO BE HEARD by Senior Judge Robert E. Coyle ; Motion Hearing Set For 5/6/02, 1:30 (cs) (Entered: 04/02/2002)
03/29/2002	8	MEMORANDUM OF POINTS AND AUTHORITIES by plaintiff in SUPPORT of motion for summary judgment by plaintiff [7-1] (cs) (Entered: 04/02/2002)
03/29/2002	9	STATEMENT by plaintiff of Undisputed Facts in Support of Motion for Summary Judgment [7-1] (cs) (Entered: 04/02/2002)
03/29/2002	10	DECLARATION of Bruce Lion in support of Motion for Summary Judgment [7-1] (cs) (Entered: 04/02/2002)
03/29/2002	11	DECLARATION of Brian C. Leighton in support of Motion for Summary Judgment [7-1] (cs) (Entered: 04/02/2002)
04/12/2002		LODGED Stipulation and Order on Briefing and Hearing Schedule for cross-motions for summary judgment by defendant U S Dept of Agriculture (tel) (Entered: 04/15/2002)
04/15/2002	12	NOTICE from counsel for plaintiff Lion Raisins Inc RE scheduling conference CONTINUED TO 9:00 7/23/02 before Magistrate Beck (tel) (Entered: 04/16/2002)
04/15/2002	<u>13</u>	STIPULATION AND ORDER by Senior Judge Robert E. Coyle on briefing and hearing schedule for cross-motions for summary judgment [7-1] HEARING CONTINUED TO 1:30 5/13/02 before Judge Coyle (cc: all counsel) (tel) (Entered: 04/16/2002)
04/24/2002		LODGED Stipulation by defendant U S Dept of Agriculture on Briefing and Hearong schedule for cross-motions for summary judgment (wh) (Entered: 04/24/2002)
04/29/2002	<u>14</u>	ORDER by Senior Judge Robert E. Coyle ORDERING deft's cross motion for summary judgment filing ddl set for 5/17/02; pltf's reply and opposition brief filing ddl set for 05/31/02; hearing on cross-motions set for 1:30 6/10/02 (cc: all counsel) (old) (Entered: 04/30/2002)
05/14/2002		LODGED 3rd stipulation and order on briefing schedule for cross-motions for summary judgment by defendants (old) (Entered: 05/15/2002)
05/16/2002	<u>15</u>	STIPULATION AND ORDER by Senior Judge Robert E. Coyle deft's cross-motion and summary judgment filing ddl reset for 5/24/02 (cc: all counsel) (old) (Entered: 05/16/2002)
05/23/2002	16	SEALED document ( Ex Parte ) (wh) (Entered: 05/24/2002)
05/24/2002	17	CROSS-MOTION for summary judgment by defendant U S Dept of Agriculture motion TO BE HEARD by Senior Judge Robert E. Coyle; Motion Hearing Set For June 10, 2002 (old) (Entered: 05/28/2002)
05/24/2002	18	MEMORANDUM OF LAW by defendant U S Dept of Agricul in SUPPORT of cross-motion for summary judgment by and opposing pltf's motion defendant U S Dept of Agriculture [17-1] (old) (Entered: 05/28/2002)

05/24/2002	19	PROPOSED STATEMENT by defendant U S Dept of Agricul of undisputed facts in support of [17-1] (old) (Entered: 05/28/2002)
05/24/2002	20	RESPONSE by defendant U S Dept of Agricul to pltf's proposed undisputed facts (old) (Entered: 05/28/2002)
06/03/2002	21	REPLY to dft's opposition to motion for summary judgment by plaintiff [7-1] and ... (rcf) Modified on 06/04/2002 (Entered: 06/04/2002)
06/03/2002	21	.... OPPOSITION by plaintiff Lion Raisins Inc to cross-motion for summary judgment by defendant U S Dept of Agriculture [17-1] (rcf) (Entered: 06/04/2002)
06/03/2002	22	RESPONSE by plaintiff Lion Raisins Inc to dft's proposed statement of undisputed facts [19-1] (rcf) (Entered: 06/04/2002)
06/04/2002	23	REPLY by defendant U S Dept of Agricul in support of its cross-motion for summary judgment [17-1] (rcf) (Entered: 06/05/2002)
06/05/2002	24	SUPPLEMENTAL DECLARATION of David Trykowski in support of dft's Cross-Motion for SJ [17-1] (jh) (Entered: 06/06/2002)
06/06/2002	25	ADDENDUM by defendant U S Dept of Agricul regarding supplemental declaration of David Trykowski supporting dft's cross-motion for summary judgment [24-1] (rcf) (Entered: 06/07/2002)
06/10/2002	26	MINUTES of 6/10/02 before Senior Judge Coyle re: motion for SJ by plaintiff [7-1] SUBMITTED; motion for SJ by defendant U S Dept of Agriculture [17-1] SUBMITTED C/R S Crump (jh) (Entered: 06/11/2002)
06/25/2002	<u>27</u>	ORDER by Senior Judge Robert E. Coyle ORDERING motion for summary judgment by plaintiff [7-1] DENIED, cross-motion for summary judgment by defendant U S Dept of Agriculture GRANTED case TERMINATED (cc: all counsel) (sr) (Entered: 06/26/2002)
06/26/2002	<u>28</u>	JUDGMENT entered for dft and against pltf re order [27-2] (cc: all counsel) (sr) (Entered: 06/26/2002)
08/02/2002	29	NOTICE by defendant USDA of related cases (old) (Entered: 08/05/2002)
08/22/2002	30	NOTICE OF APPEAL by plaintiff Lion Raisins Inc from District Court decision re order [27-2], re judgment [28-1] ( fee status paid receipt# 100 196196 ) (jh) (Entered: 08/23/2002)
08/22/2002	31	RECEIPT of \$105.00 for plaintiff's appeal filing fee Receipt # 100 196196 (jh) (Entered: 08/23/2002)
08/23/2002	32	MAILED case information/docket fee payment notice, copy of Notice of Appeal and appealed 6/26/02 judgment [28-1] to 9th Circuit Court of Appeals, copy of appeal and docket sheet to all parties (mm) (Entered: 08/23/2002)
08/26/2002		Text not available. (Entered: 08/27/2002)
08/26/2002	<u>33</u>	ORDER by Senior Judge Robert E. Coyle setting bond on appeal in amount of \$ 150.00 regarding 08/22/02 appeal [30-1] by Lion Raisins (tel) (Entered: 08/27/2002)
09/09/2002	34	NOTICE by plaintiff Lion Raisins Inc of posting bond on appeal for \$150 [33-1] (hl) (Entered: 09/10/2002)
09/09/2002	35	RECEIPT of \$150.00 appeal bond for plaintiff Lion Raisins Inc by Lion Raisins Receipt # 196275 (hl) (Entered: 09/10/2002)
09/23/2002	36	TRANSCRIPT DESIGNATION and Ordering Form for dates 6/10/02, Court Reporter S Crump for Cross-Motions for SJ re appeal [30-1] (jh) (Entered: 09/24/2002)
09/24/2002	37	NOTIFICATION by 9th Circuit of Appellate Docket Number 02-16696 (jh) (Entered: 09/24/2002)
10/11/2002	38	TRANSCRIPT of 06/10/02 hearing on Motions for Summary Judgment by C/R Linda A Gorman (tel) (Entered: 10/15/2002)

10/11/2002	39	CERTIFICATE OF RECORD transmitted to 9th Circuit [30-1] (notice sent) (tel) (Entered: 10/15/2002)
10/22/2003	40	CLERK'S record on appeal transmitted to 9th Circuit: case file 1-2 volumes; 1 transcripts; and copy of docket mailed to 9th Circuit regarding appeal [30-1] (jh) (Entered: 10/22/2003)
03/11/2004	41	ORDER from 9th Circuit Appeal [30-1] judgment is AFFIRMED in part and REVERSED in part and REMANDED back to District Court (plk) (Entered: 03/12/2004)
03/12/2004	42	CERTIFIED COPY of judgment from 9th Circuit Appeal Affirmed in Part, Reversed in Part and Remanded (cc: all counsel) (tel) (Entered: 03/15/2004)
03/16/2004	43	COURT NOTICE: from M Hernandez scheduling conference set for 9:00 4/26/04 before Magistrate Beck (cc: all counsel) (tel) (Entered: 03/17/2004)
04/26/2004	44	MINUTES of 4/26/04 before Magistrate Judge Dennis L. Beck status hearing held further scheduling conference set for 9:00 6/15/04 before Magistrate Beck C/R 9:10-9:45 (tel) (Entered: 04/27/2004)
05/04/2004	45	RECORD on appeal returned from 9th Circuit volumes 2 expandos 1 (sr) (Entered: 05/04/2004)
06/10/2004	46	STATUS REPORT by defendant U S Dept of Agricul (rcf) (Entered: 06/14/2004)
06/15/2004	47	MINUTES of 6/15/04 before Magistrate Judge Dennis L. Beck phone call by atty Linda Anderson, Brian Leighton to continue matter status conference CONT'D to 9:00 8/9/04 (rcf) (Entered: 06/16/2004)
06/24/2004	<u>48</u>	ORDER by Chief Judge David F. Levi ORDERING case referral to Magistrate Judge Dennis L. Beck TERMINATED , Case REASSIGNED to Judge James K. Singleton Jr; New Case No CVF-02-5064-JKS (cc: all counsel) (tel) (Entered: 06/28/2004)
07/15/2004	49	COURT NOTICE: from L Lucas Case REFERRED to Magistrate Judge Dennis L. Beck (cc: all counsel) (sr) (Entered: 07/16/2004)
08/02/2004	50	STATUS REPORT by defendant U S Dept of Agricul (jv) (Entered: 08/03/2004)
08/05/2004	51	NOTICE by counsel for plaintiff Lion Raisins Inc of hearing scheduling conference continued to 9:00 10/14/04 before Judge Beck () (jv) (Entered: 08/06/2004)
09/14/2004	52	COURT NOTICE: from M Hernandez scheduling conference reset for 9:00 10/28/04 before Judge Beck (cc: all counsel) (jv) (Entered: 09/15/2004)
09/28/2004	53	SUBSTITUTION OF ATTORNEY Yoshinori H T Himel replacing attorney Linda Anderson for U S Dept of Agricul (jv) (Entered: 09/29/2004)
10/22/2004	54	PARTIES JOINT STATUS REPORT by defendant U S Dept of Agricul (rcf) (Entered: 10/25/2004)
10/28/2004	55	MINUTES of 10/28/04 before Magistrate Judge Dennis L. Beck further scheduling conference held on 10/28/04; parties would like to file motion for summary judgment; clerk to provide date to parties sometime in May 2005 C/R none (jv) (Entered: 10/29/2004)
02/24/2005	<u>56</u>	MOTION for SUMMARY JUDGMENT by Lion Raisins Inc. (Attachments: # <u>1</u> Exhibit Exhibits 9-13 to Motion for Summary Judgement)(Leighton, Brian) (Entered: 02/24/2005)
03/30/2005	<u>57</u>	STIPULATION and PROPOSED ORDER to Reset Summary Judgment Briefing Schedule by Lion Raisins Inc, U S Dept of Agriculture. (Himel, Yoshinori) (Entered: 03/30/2005)
03/31/2005	<u>58</u>	STIPULATION and ORDER To Reset Motion for Summary Judgment <u>56</u> Briefing Schedule - GRANTED and signed by Judge Dennis L. Beck on 3/31/05:Defendant's cross-motion for summary judgment and opposition to Plaintiff's motion due by 5/16/2005; Plaintiff's opposition to Defendant's motion

		and reply to Defendant's opposition due by 6/6/05; and Defendant's reply to Plaintiff's opposition due by 6/20/05. (Hellings, J) (Entered: 03/31/2005)
05/16/2005	<u>59</u>	MOTION for SUMMARY JUDGMENT by U S Dept of Agriculture. (Attachments: # <u>1</u> Declaration of David W. Trykowski)(Himel, Yoshinori) (Entered: 05/16/2005)
06/02/2005	<u>60</u>	STIPULATION and PROPOSED ORDER Stipulation and Order Continuing Summary Judgment Briefing Schedule by Lion Raisins Inc. (Leighton, Brian) (Entered: 06/02/2005)
06/03/2005	<u>61</u>	STIPULATION and ORDER <u>58</u> continuing Summary Judgment briefing schedule GRANTED. Plaintiff's opposition to defendant's cross-motion due by 07/06/05, defendant's reply to plaintiff's opposition due by 07/27/05. Signed by Judge James K Singleton on 6/2/05. (Balli, R) (Entered: 06/03/2005)
06/06/2005	<u>62</u>	STIPULATION and ORDER to continue summary judgment briefing schedule. Case Management due by 7/6/2005 for plaintiff to file opposition to defendant's cross motion for summary judgment. Defendant's reply due by 7/27/05. Signed by Judge Dennis L. Beck on 6/3/05. (Vasquez, J) (Entered: 06/06/2005)
07/06/2005	<u>63</u>	MEMORANDUM/RESPONSE in OPPOSITION to the Defendant's Counter-Motion for Summary Judgment. (Leighton, Brian) (Entered: 07/06/2005)
07/27/2005	<u>64</u>	MOTION to SUBSTITUTE ATTORNEY Wesley T. Green in place of Brian C. Leighton by Lion Raisins Inc. (Leighton, Brian) (Entered: 07/27/2005)
07/27/2005	<u>65</u>	REPLY to RESPONSE to MOTION <u>59</u> for Summary Judgment. (Himel, Yoshinori) (Entered: 07/27/2005)
07/28/2005	<u>66</u>	ORDER GRANTING Substitution of Attorneys. Attorney Wesley T. Green for Lion Raisins Inc added. Attorney Brian C Leighton terminated. Signed by Judge Dennis L. Beck on 7/28/05. (Hellings, J) (Entered: 07/28/2005)
07/28/2005		SERVICE BY MAIL: <u>66</u> Order on Substitution of Attorneys served on Wesley T. Green. (Hellings, J) (Entered: 07/28/2005)
08/01/2005	<u>67</u>	CLERK'S NOTICE to attorney B. Leighton re <u>64</u> MOTION to SUBSTITUTE ATTORNEY. Your document should also be filed with the event Proposed Order. Additionally, Local Rule 5-137(b) requires that you email the proposed order in word processing format to the appropriate Judge. Please refer to "E-Mail Addresses for Proposed Orders" on our website (Keeler, P) (Entered: 08/01/2005)
08/04/2005	<u>68</u>	ORDER for Government to submit materials in Camera by 9/12/2005 signed by Judge James K Singleton on 08/03/05. (Lundstrom, T) (Entered: 08/04/2005)
08/04/2005		SERVICE BY MAIL: <u>68</u> Order served on Wesley T. Green (Lundstrom, T) (Entered: 08/04/2005)
09/12/2005	<u>69</u>	DECLARATION of Chief of Investigations Trykowski and SSA Yamaguchi Submitted in Compliance with Order Filed August 4, 2005. (Attachments: # <u>1</u> Further Declaration of David W. Trykowski# <u>2</u> Declaration of Sharon A. Yamaguchi)(Himel, Yoshinori) (Entered: 09/12/2005)
09/13/2005	<u>70</u>	NOTICE by U S Dept of Agriculture : <i>Exhibit G Text</i> (Himel, Yoshinori) (Entered: 09/13/2005)
09/22/2005	<u>71</u>	ORDER reinstating <u>27</u> Order; denying <u>56</u> MOTION for SUMMARY JUDGMENT filed by Lion Raisins Inc; granting <u>59</u> MOTION for SUMMARY JUDGMENT filed by U S Dept of Agriculture signed by Judge James K Singleton on 9/22/05. ***Civil Case Terminated. CASE CLOSED (Lundstrom, T) (Entered: 09/22/2005)
09/22/2005	<u>72</u>	JUDGMENT in favor of Defendant against Plaintiff signed by Judge James K Singleton on 09/22/05. (Lundstrom, T) (Entered: 09/22/2005)
11/17/2005	<u>73</u>	NOTICE of APPEAL by Lion Raisins Inc as to <u>72</u> Judgment. (Green, Wesley) (Entered: 11/17/2005)



11/17/2005	<u>74</u>	NOTICE of APPEAL by Lion Raisins Inc as to <u>72</u> Judgment. (Green, Wesley) (Entered: 11/17/2005)
11/18/2005		RECEIPT number 100 202627 for \$255.00 for appeal filing fee from Tuttle & McCloskey. (Robles, S) (Entered: 11/18/2005)
11/29/2005	<u>75</u>	APPEAL PROCESSED to Ninth Circuit re <u>73</u> Notice of Appeal filed by Lion Raisins Inc., <u>74</u> Notice of Appeal filed by Lion Raisins Inc,. Filed dates for Notice of Appeal *11/17/2005*, Complaint *1/14/2002* and Appealed Order / Judgment *9/22/2005*. Court Reporter: *ECRO*. *Fee Status: Paid on 11/18/2005 in the amount of \$255.00* ** (Attachments: # <u>1</u> Appeal Notice) (Kusamura, W) (Entered: 11/29/2005)
12/12/2005	<u>76</u>	USCA CASE NUMBER 05-17299 for <u>73</u> Notice of Appeal filed by Lion Raisins Inc, <u>74</u> Notice of Appeal filed by Lion Raisins Inc,. (Kusamura, W) (Entered: 12/12/2005)
11/17/2006	<u>77</u>	TRANSMITTED RECORD on APPEAL to USCA # *05-17299* re <u>73</u> Notice of Appeal - ATY, <u>74</u> Notice of Appeal - ATY. * Volumes of Files: 2. Paper Documents: 1 to 55. Volumes of Expandable Folders: 1.* *Electronic Documents: 56 to 76.* (Kusamura, W) (Entered: 11/17/2006)
12/07/2006	<u>78</u>	ORDER of USCA as to <u>73</u> Notice of Appeal - ATY filed by Lion Raisins Inc., 30 Notice of Appeal filed by Lion Raisins Inc., <u>74</u> Notice of Appeal - ATY filed by Lion Raisins Inc, (Lundstrom, T) (Entered: 12/08/2006)
07/09/2007	<u>79</u>	USCA JUDGMENT as to <u>73</u> Notice of Appeal - ATY filed by Lion Raisins Inc, <u>74</u> Notice of Appeal - ATY filed by Lion Raisins Inc decision of district court AFFIRMED. (Lundstrom, T) (Entered: 07/09/2007)
08/30/2007	80	APPEAL RECORD RETURNED (Consisting of 2 Vols. & 1 Expando) as to: <u>74</u> Notice of Appeal. (Hellings, J) (Entered: 08/30/2007)